REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1, 3, 7 and 9-12 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 1 and 3 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Claims 1 and 3 are amended to delete CD4 without prejudice and to recite that the "derivative" of LAG-3 is one that maintains the ability to bind the MHC Class II molecules which bind LAG-3, as supported on page 5, lines 1-4 of the present specification. A representative number of LAG-3 derivatives that maintain the ability to bind the MHC Class II molecules which bind to LAG-3 is disclosed on pages 5-6 of the present specification, including different specific fragments of LAG-3, mutants in which specific residue positions are substituted, and mutants disclosed in the prior art, i.e., June 1997 (4) issue of PNAS. Accordingly, in view of such a representative number of species in the genus claimed, one of skill in art would conclude that applicant is in possession of the claimed genus.

Furthermore, new claims 10 and 11 recite specific derivatives of LAG-3 that maintain the ability to bind to MHC Class II molecules which bind LAG-3, as supported on pages 5-6 of the present specification.

One of skill in the art also is aware of at least one method to determine the ability of compounds to bind the MHC Class II molecules which bind LAG-3, as disclosed and taught in Example 4of WO 95/30750, cited on page 5, lines 14-16 of the present specification. This prior art reference also demonstrates the ability of specific derivatives of LAG-3 (LAG-3D1-D4-Ig in Example 4 and LAG-3-D1-D2-Ig in Example 5) to bind the MHC Class II molecules which bind LAG-3.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 3, 7 and 9 have been rejected under 35 U.S.C. §102(a) as being anticipated by Weiner et al., WO 94/16737. This rejection is made moot by the amendment to delete the recitation of CD4 from claims 1, 3, and 7 because Weiner does not disclose transfected tumor cells expressing LAG-3 or a derivative thereof or a method/process for preparing such tumor cells. Accordingly, Weiner does not anticipate the presently claims invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 7 has been rejected under 35 U.S.C. §102(b) as being anticipated by Huard et al., PNAS 94:5744-5749 (1997). This rejection is respectfully traversed.

Huard discloses COS3 cells transfected with and expressing LAG-3 and derivatives thereof. However, Huard does not disclose or teach a pharmaceutical composition comprising cells transfected with and expressing LAG-3 and a pharmaceutically acceptable vehicle.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 7 has been rejected under 35 U.S.C. §102(b) as being anticipated by the abstract of Baron et al., *Eur. J. Immunol.* 24(8):1933-1936 (1994). This rejection is respectfully traversed.

Baron only discloses cells transfected with and expressing CD4. There is simply no disclosure of LAG-3. Accordingly, Baron does not anticipate the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

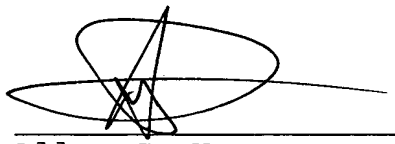
Support for new claim 12 is found on page 6, lines 25-31 the present specification.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their

allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\S\Ser1\TRIEBEL2A\PTO\amd OA 6-3-05.doc